1951 K File No. B. Reserve Police Pt I 51

Legal Dept.

B BRANCH

Subject:— L.A. Bill No. XCIV of 1951

A Bill to provide for the constitution and regulation of an armed reserve Police force in the state of Bombay

Bombay Act No. XXXVIII of 1951

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Pt I

Gen. 194 a.

830 B

Legal Department.

The Public Security Measures Act deals mainly with subversive activities and is at present a temporary measure. It is true that in the time of emergencies such measure is essential It mainly relates to the power of Government and not so much to the powers of Police Officers. Moreover under the new Constitution preventive detention has been included in the Concurrent list and the laws of Parliament will overside the laws of the State Legislature relating to the matter. Moreover certain matters relating to such detention will be governed by the laws of Parliament under article 22 . It will therefore be proper to continue it on the Statute book as a seperate enactment rather than to include it in the General Police Law.

19/1

o/o

Additional Secretary to Government.

U.O. to H.D. No 87 Confl. dated the 20th January 1950.

Resubmitted for signature.

sd

20 01. 19-6-'50.

Legal Department.

The point at 'A' on p. 5 ante - This point will be considered when the Bill is sent for scrutiny

2. The point at 'B' on page 5 ante - The present Bill may be proceeded with independently. If it is found that both the Bills can be consolidated into one advantageously, there will not be any difficulty in combining them into one

3. The point at 'C' on page 6 - In view of th Police Bill already drafted by the I.G.P. providin g for a common cadre of Police Force for the whole State, the provisions of the Police Forces (Control and Direction) Act, 1939 would appear to be superfluous. But the question will be considered when both the Bills are scrutinised from the drafting point of view.

O.O. 12/3

Additional Secretary to Government.

U.R. to H.41, No. 3506 , dated the 14th March 1950

Submitted for signature.

pc dt. 13-6-'56.

Legal Department.

A revised draft Bill is sent herewith subject to the following observations:-

The Bombay Police Bill which will be returned very shortly repeals the City of Police Act, 1902 and the Bombay District Police Act, 1890. The references in the present Bill to the said two Acts have been replaced by the Bombay Police Act, 1950. That Bill will have to be passed first before this Bill is taken up in the Assembly. The Bill is generally drafted on the wording of the following Acts, namely:-

1. The Central Reserve Police Force Act, 1949 (XXVI of 1949)
2. The U.P. Provincial Armed Constabulary Act, 1948 (U.P. Act XL of 1948).
3. The C.P. and Berar Special Army Constabulary Act, 1942 (No. VII of 1942).
4. Orissa Military Police Act, 1946 (Orissa Act No. VII of 1946).
5. The Army Act, 1950 (XLVI of 1950).

The object of the present Bill is to create a police force which should be equipped with modern weapons and trained on the lines almost similar to those followed in the army with a police force for the purpose of dealing with the internal view to aiding the ordinary disorders when the occasion arises. The Central Act of 1949 provides for the constitution and regulation

SC dt. 13-6-'56.

and regulation of an armed Central Reserve Police Force. The similar wording may be used in the preamble of the present Bill as the object is almost the similar. The title of the Bill may also be "the Bombay State Reserve Police Force Act, 1950 The commencement clause has been added as there is a provision for making rules under the Act and Government can bring the Act into force as soon as the rules and other arrangements necessary under the Act are ready.

Definition clause - The definition of "Superior Officer" has been recast on the lines of the definition given in section 4(2) of the Orissa Act, 1948. The new definitions of 'active duty' 'commandant' 'assistant commandant' and 'reserve police officer' have been added.

H.D. draft clause 3.- This clause has been turned into an 'explanation' and has been added to revised clause 14 as the expression 'deserts his force or posts' occurs under sub-clause (g) of clause 14 and it can appropriately be added as the 'explanation' at the end of that clause.

Draft clause 4 - (revised clause 3).- This clause has been recast on the lines of section 3(1) of the Central Reserve Police Force Act, 1949.

Draft clause 5 (revised clause 4).- This clause has been recast on the lines of section 4(1) of the Central Reserve Police Force Act, 1949.

Revised clause 5.- Clause 5 has been revised on the lines of section 8 of the Central Reserve

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Reserve Police Force Act, 1949.

Revised clause 7.- This clause has been newly added in order to enable Government to transfer a Police Officer from the Police Force constituted under the proposed new Bombay Police Act, which Act takes the place of two Acts namely the City of Bombay Police Act and the Bombay District Police Act, 1890. It also defines the power and privileges and duties and liabilities of such police officer when transferred to a Reserve Police Force.

Draft clause 10.- In clause 10 of the draft sent by the Inspector General of Police it was stated that every member of the Reserve Police Force shall always be deemed to be on Police Duty. In sub-clause (2) it is then stated that a direction by the Inspector General of police shall state that such duty shall be active duty. It is not clear whether it is intended that the Reserve Police Force is to be used for ordinary Police Duties other than when the members shall be on ~~xx~~ active duty. In the Central and other State Acts it does not appear that there is such a provision. H.D. will have to ~~x~~ consider this point.

Revised clauses 14 and 15 (draft clauses 12, 13.)-

These two clauses generally follow the wording of sections 9 and 10 of the Central Reserve Police Force Act, 1949 and sections 6 and 7 of the U.P. Provincial Army Constabulary Act, 1948. The changes made in the Bill are explained below:

The H.D. draft Bill uses the words 'sedition'

and 'enemy' following the wording of the U.P Act. The Central Reserve Police Force Act, 1949 and two other Provincial Acts do not ~~[illegible]~~ contain the said words. Especially the word 'enemy' is inappropriate. Both have therefore been omitted. The provision contained in sub-clause (a) of clause 13 of the draft which provides for the penalty for being in a state of intoxication is no longer appropriate in view of the ~~[illegible]~~ prohibition policy in this State. It has therefore, been deleted.

U.P. draft clause 15.- Clause 15 of the Bill provides for departmental punishment of subordinate members of the reserve police forces if the officer concerned thinks that the offence is more or less of a technical nature and need not be tried by the Criminal Court. In such cases he has been empowered to sentence a person to imprisonment for a period not exceeding three months or fine upto rupees 100 and clause 17 then provides that if the member of subordinate ranks has been sentenced by a Commandant under clause 15 and is dismissed as provided in clause 15, he shall undergo a sentence in a jail or other place as if he were sentenced to imprisonment by a Criminal Court. There is no provision on the lines of the proposed clauses 15 and 17 of the U.P. draft in Central Reserve Police Force Act, 1949, or in any of the Provincial Acts, namely the U.P.Act, the C.P.Act

and Orissa Act referred to above. It is not also right that a Commandant should combine in himself both the powers of an executive authority and judiciary. For the above reasons, the provisions of clauses 15 and 17 have been deleted altogether. The provisions on the lines of section 12 of the Central Reserve Police Force Act, 1949, and on the lines of the section 11 of B.P.Act of 1948 which provide for the confinement in the quarter-guard in case a person has been sentenced to imprisonment and has not been dismissed from the force are sufficient.

Revised Clause 20.- This is a new clause on the lines of section 17 of the Central Reserve Police Force Act, 1949 and is quite necessary from the point of view of police force.

2. The object of the second linked Bill forwarded by the H.D. is to enable a member of a reserve police force recruited from the police force constituted under the City of Bombay Police Act and the Bombay District Police Act to apply for transfer to the Reserve Police Force or vice versa. In view of revised clause 7, it is not now necessary to amend the Police Forces (Control and Direction) Act, 1949 (Bom. XVI of 1949). The other amendments are not quite appropriate. In view of the consolidated Bombay Police Bill, it will no longer be necessary to keep on Statute Book, the Police Forces (Control and Direction) Act, 1949.

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3. It was stated in U.O., L.D. No 3506, dated 14th March 1960 at page 13 ante that the question whether it is necessary to have a separate Act for the Constitution of the State Reserve Police Force and whether it would not be feasible to incorporate such provisions in the draft of the Bombay Police Bill under a separate Chapter, would be considered later on. The Bill relating to the reserve police force gives no powers to the Commissioner of Police or District Superintendent of Police. The persons in immediate control of the police force would be Commandants or Assistant Commandants. The three Provinces named the C.P., the C.P and Orissa have passed independent legislation on the constitution of reserve police force. The Central Government has also separate legislation on the reserve police force even though all the above Governments have their own law regarding police to do the normal duties of the State. It is therefore better that there should be an independent Act on the constitution of the State Reserve Police Force, and it should not form a chapter under the Police Act.

4. The Bill falls under entries 1,2, 41,64 and 65 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not fall under any of the matters enumerated in the Concurrent List in the Seventh Schedule to the Constitution of India, it is not necessary to reserve the Bill for the consideration of the President. As the Bill, if enacted and brought into operation

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into operation, would involve expenditure from the Consolidated Fund of the State, it would require recommendation of the ~~Lieutenant~~ Governor under clause (3) of Article 207 of the Constitution of India.

17/6

Additional Secretary to Government.

U.D. to H.D. No. 8320, dated the 19th June 1950.

Submitted for signature,

SC dated 13-6-'50

D.O.No. 9401

Legal Department,

Bombay Castle (Bombay No.1), 6th July 1950.

I am in receipt of your D.O.No. 1170-III, dated the 5th July 1950.

The proposal for the Reserve Police Force was with me; but I have already drafted a Bill and sent it of the Home Department for necessary action.

Although the Home Department suggested that the provisions relating to the Reserve Police should form part of the Bombay Police Act, but having regard to the various provisions to be included in relation to the Reserve Police Force, I suggested that on the lines of the Central Act as well as other State Acts, the provisions relating to the Reserve Police should be in a separate enactment to be called the Bombay State Reserve Police Act. It is however for the Home Department to decide whether they should accept my suggestions.

A tentative draft of the Police Act also has been sent to the Home Department for scrutiny. After carrying out their scrutiny, if there are any points to be considered, I shall try to send for you. I do not think that the Regulations under the Metropolitan Police Act will be of much use to me in drafting the Bombay Police Act. However, you may go through the Regulations, and if you think that there are any points which can be suitably

included in our Police Act, you may forward the same to me. I shall be very glad to consider them when the draft of the Bill is finalised.

Hoping you are in the best of health,

C/7

(J.R.Dhurandhar.)

Shri V.R. Phadke,
Office of the Inspector-General of Police,
Poona.

MS

SC Ct. 13-6-156.

Legal Department.

In view of the I.G.P's remarks and H.D.'s notes revised drafts of the relevant clauses are sent herewith subject to the following observations :-

Para 2(1) of I.G.P's note at page 251

In view of the observations made by the I.G.P. and concurred in by the H.D., the definition of "active duty" has been revised. In view of the revised definition the explanation to the existing clause3(a) has been transferred to clause 10(2).

Para 2(2) of I.G.P's note:

It is necessary to define "Commandant" a and "Assistant Commandant" as the power is taken under clause 5 to appoint a Commandant and an Assistant Commandant. The said expression has been defined in the United Provinces Provincial Armed Constabulary Act, 1948, the Central Provinces and Berar Special Armed Constabulary Act, 1940 and the Orissa Military Police Act, 1946

Para 2(3) of I.G.P's note:

The definition of "Superior Officer" has been amended to meet the difficulty pointed out by the I.G.P.

Para 2(4) of the I.G.P's note:-

Proviso to clause 3(3) of the Bill has b been amended.

Para 2(5) of the I.G.P's note:

The Home Department has approved of the proposal of the I.G.P. Clause 5 of the Bill has MM 5C dt. 13-6-'55.

has been amended as desired by the Home Department.

Para 3(6) of the I.G.P's note:

The expression "Police Officer" as d defined in clause 2(f) of the Bill will have the meaning given in that definition unless there is anything repugnant in the subject or context. Obviously that definition would not apply to that expression as used in clause 7 of the Bill. There is, however, no objection to make the meaning clear.

Sub-clause (2) of clause 7 has accordingly been amended .

Para 3(7) of the I.G.P's note:

The wording of clause 14 is taken from section 9 of the Central Reserve Police Force Act, 1949. Some words, it appears, have been omitted through oversight. The omission has now been corrected in the revised sub-clause(a).

Para 3(8) of the I.G.P's note:

The I.G.P points out that a Reserve Police Officer may be in a state of intoxication when on duty caused by intoxicants other than liquor, i.e. opium, cocaine etc.. There is no objection, therefore, to the insertion of the said provision in clause 15. Clause 15 has been amended accordingly.

Para 3(9) of the I.G.P's note:

The Home Department does not agree with the view of the I.G.P. that clauses 15 and 17 of original Bill drafted by the I.G.P should be included in the Bill. In this connection, it may be ex

it may be pointed out that clause 28 of the Police Bill had given power to the I.G.P., the Commissioner, the Deputy Inspector-General, the District Superintendent and Assistant or Deputy Superintendent to punish any Police Officer below the rank of head constable by confining him for a period not exceeding 3 days if such Police Officer is in his presence grossly insubordinate or insolent to him. The Government of India have held that it is not within the competence of the State Legislature to make such provision. This clause has, therefore, been omitted by the Select Committee on the Police Bill. In the circumstances of [redacted] clause 18 of the Bill which empowers the Commandant or an Assistant Commandant or the Officer mentioned therin to inflict the punishment in certain circumstances of a confinement in the quarter-guard for a term extending to 2 days or 5 days, depending upon the status of the officer passing the order should be amended by deleting the reference to the confinement in the quarter-guard. A revised draft of clause may, therefor, be substituted for the existing clause 18. The question of increasing the period in the manner suggested in para 4 (iii) of the Home Department note at page 23 ante would not in that case arise.

D.O. No. 17890 of 19th Dec. 1950;

18/12
Additional Secretary to Government.

Office of the R.L.A.

The Bill has been revised in view of the Secretary, H.D.'s note at pp. 66-68 ante and a revised copy of the Bill is sent herewith.

Clause 2(a).- This clause has been revised in the manner desired by the Secretary, H.D. Home Department, however, should verify who is the lowest officer in the State Reserve Police Force equivalent to the Inspector of the Police Force constituted ~~unx~~ under the Bombay Police Act and should specify such designation in the clause.

Clause 7 of the Bill.- The Secretary, H.D. in para. 1 of his note at p. 66 states that the transfer from the Reserve Police Force is to be confined to the Armed Branch of the Bombay Police Force and that power to transfer the members of the subordinate ranks should be delegated to the Inspector-General of Police. Clause 7 has been accordingly amended. H.D. should consider whether the expression "Armed Section of the Police Force" would not be more correct than the expression "Armed Branch of the Police Force".

Clause 15.- The Secretary, H.D. is inclined to delete sub-clause (a) of clause 15 of the Bill inserted under slip H at p. 87 of the correspondence section which provides that every Reserve Police Officer who is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march, shall be punished etc. on the ground that since we have got prohibition in this

Contd.

in this State a person cannot be in a state of intoxication at any time or place and that the existence of such a provision is likely to give an impression that a Police Officer can be in a state of intoxication at times and places other than those specified. The I.G.P. to whom the Secretary's remark at p. 54 were shown states that although the prohibition is in force in the State it may not be the case with other States where the State Reserve Constabulary men may have to be deputed as is done at present in the case of Group I and that it is with a view to meeting such contingencies that the present provisions has been made in the Bill. It is with respect to this statement of the I.G.P. that the Secretary, H.D. thinks that it is doubtful whether the members of the State Reserve Police Force will remain subject to our Act when they are deputed to another State. The view taken by the Secretary H.D. is correct. The said provision has, therefore, been deleted.

o/e 27/7

Remembrancer of Legal Affairs.

U.R. to H.D. No. 12034, dated the 27th July 1951.

Submitted for signature.

56 dt. 13-6-'56.

Statement of Objects and Reasons.

With a view to strengthening the Armed Branch of the Police Force of the State, Government constituted in the year 1948 a special armed Police force known as the State Reserve Police Force. The Force has been equipped with some of the modern equipment and weapons and trained to be useful in emergencies. The Force was constituted under the Bombay District Police Act, 1890, so far as the Battalions stationed in districts were concerned, and under the City of Bombay Police Act, 1902, to govern the Battalion in Greater Bombay. Since it was constituted on special lines and was required to be employed during emergencies such as riots, and o other serious disorders, it was essential that a very high standard of discipline should be maintained among the Force by prescribing penalties higher than those prescribed for the members of the ordinary Police Force. With this object in view the Bombay State Reserve Police Force Bill, 1951, has been drafted. This has been done on the lines of similar enactments of the other States and of the Government of India.

SC dt. 13-6-'56.

No. G.S. - 2740

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,
Legal Department.

GOVERNMENT HOUSE.

October 18, 1951.

Poona 7;

Subject: The Bombay State Reserve
Police Force Bill, 1951.

Sir,

With reference to your letter No. 16267, dated October 13, 1951, I am directed to return herewith the authentic copy of the Bombay State Reserve Police Force Bill, 1951, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Secretary to the Governor
of Bombay.

MM

50 dt. 13-10-'51.

ACTS.

Publication of the
Bombay State Reserve Police Force Act, 1951.

GOVERNMENT OF Bombay.
Legal Department,
Resolution No. 16367.
Bombay Castle, 23rd October 1951.

Letter to the Secretary to the Governor, No. 16207, dt. the 13th October 1951.

Letter from the Secretary to the Governor, No. G.S.2740 dated the 18th October 1951, -

"With reference to your letter No. 16207, dated October 13, 1951, I am directed to return herewith the authentic copy of the Bombay State Reserve Police Bill, 1951, with His Excellency the Governor's assent signified thereon."

RESOLUTION.- The law should be published as Bombay Act No. XXXVIII of 1951. in the Bombay Government Gazette dated the 23rd October 1951.

2. The Act should be translated into Marathi, Gujarati, Kannada andHindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay,

S.L.CHAUDHARI,

Deputy Secretary to Government

To
The Manager, Government Central Press, Bombay (with a copy of the Act andwith a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Home Department),
The Home Department,
*The Oriental Translator to Government,) with a copy
The Bombay Legislature Department,) of the Act.
The Director of Publicity, Bombay,)
The Enquiry Officer for the Secretariat Bombay.)

* with four extra copies of the Act.

SM 27/6

SM 9/7

SM
30 dt. 13-6-'56.

REGISTERED No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 28TH AUGUST 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XLIV OF 1951.

A Bill to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951. Short title, extent, commencement and application.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951,

Bom. XXII of 19

(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, [redacted]er or an orderly in connection with the State Reserve Police Force;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of Adjutant or Battalion Commander;

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951;

V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act;

(*i*) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments.

1 V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force;

Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(4) The State Government or any officer empowered by it in this behalf may,—

(a) divide the State Reserve Police Force in groups ;

(b) sub-divide each group into battalions, and each battalion into companies, and each company into platoons ;

(c) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The Superintendence of and control over the State Reserve Police Force shall vest in the State Government; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant and Assistant Commandants.

5. (1) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant who shall be a person eligible to hold the post of an Assistant or a Deputy Superintendent.

(2) Notwithstanding anything contained in sub-section (1), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant.

(3) The Commandant, the Assistant Commandant and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Enrolment.

6. (1) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant, or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(2) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

(3) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Transfer.

Bom. XXII of 1951.

Bom. XXII of 1951.

7. (1) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of the armed section of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa* :

Provided that the State Government may delegate its power under sub-section (1) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

(2) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders. Bom. XXII of 1951.

Certificate of appointment to certain Reserve police officers, when it is to be returned back.

8. (1) An Adjutant, a Battalion Commander or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(2) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

(3) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (1) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(3) A reserve police officer employed on active duty under sub-section (1), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (1) When employed on active duty at any place under sub-section (1) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898.

Circumstances under which reserve police officer entitled to use force.

(2) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect,

use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both. Offence in respect of resignation contrary to provisions.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (3) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. Offence in respect of refusal to deliver certificate of appointment, etc.

14. Every reserve police officer who,— More heinous offences.

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place ; or

(*b*) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to belive him to be such, whether on or off duty ; or

(*c*) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend ; or

(*d*) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(*e*) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(*f*) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(*g*) while on active duty,—

(*i*) disobeys the lawful command of his superior officer ; or

(*ii*) deserts his force or his post ; or

(*iii*) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(*iv*) without authority, leaves his Commanding Officer for any purpose whatsoever ; or

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessrily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet, or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinment, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudlently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Reserve police officer in command to give information of commission of offence under Act by reserve police officer under his charge.

16. A reserve police officer who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 14 or 15 of this Act, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Place of imprisonment and liability to dismissal on imprisonment.

17. (*1*) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force, and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture.

(*2*) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarter-guard or such other place as the Court may consider suitable.

Minor punishments.

18. (*1*) A Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the same control, an officer not below the rank of Jamadar in independant command of a detachment or an outpost or in temporary command of a Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which, in the opinion of the Commandant, Assistant Commandant or Officer, as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say—

(*a*) Punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fourteen days, and, when the order is passed by any other officer, to seven days :

(*b*) Forfeiture of pay and allowances or such proportion of pay and allowances as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month and, when the order is passed by any other officer, to ten days ;

(*c*) Fine to an amount not exceeding one month's pay :

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised ; and

(ii) when more than one officer are competent under proviso (i) to exercise the power, the most senior of such officers shall exercise the power.

(*2*) Any of the punishments specified in sub-section (*1*) may be awarded separately or with any one or more of the others :

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(*3*) No appeal shall lie from any order of punishment passed under this section except from an order of punishment of fine as provided in sub-section (*4*).

(4) An appeal against any order awarding punishment of fine shall lie to the State Government or to such officer as the State Government may by general or special order specify in this behalf.

(5) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (1), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

Every reserve Police officer to be police officer as defined in Bom. XXII of 1951.

19. Except as specifically provided in the foregoing sections of this Act, every reserve police officer shall for all purposes be deemed to be a police officer as defined in the Bombay Police Act, 1951, and the provisions of that Act shall, except in so far as they are inconsistent with the provisions of this Act, apply to every such reserve police officer. Bom. XXII of 1951.

Protection for acts of members of Force.

20. (1) In any suit or proceeding against any member of the State Police Reserve Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the State Police Reserve Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the Rules thereunder, shall be commenced within six months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding:

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

Power to make rules.

21. (1) The State Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:—

(a) regulating the number, classes and grades of the States Reserve Police Force;

(b) administration of the State Police Force;

(c) recruitment, organization, classification and discipline of the members of the subordinate ranks;

(d) inspection of the Force;

(e) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Force.

SCHEDULE A.

(See section 6.)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. — Commandant or Assistant Commandant or Police Officer.

Date .....

Place .....

SCHEDULE B.

(*See* section 8.)

Form of Certificate for a State Reserve Police Officer below the rank of a Company Commander.

Seal of the Commandant.

A. B. has been appointed to the State Reserve Police Force in the State of Bombay and is vested with the powers, functions and privileges of a Reserve Police Officer under the Bombay State Reserve Police Force Act, 1951 (Bom. of 1951)

(Signature) .....

Commandant,
State Reserve Police Force,
Group.....

.....

STATEMENT OF OBJECTS AND REASONS.

With a view to strengthening the Armed Branch of the Police Force of the State, Government constituted in the year 1948 a special armed Police Force known as the State Reserve Police Force. The Force has been equipped with some of the modern equipment and weapons and trained to be useful in emergencies. The Force was constituted under the Bombay District Police Act, 1890, so far as the Battalions stationed in districts were concerned, and under the City of Bombay Police Act, 1902, to govern the Battalion in Greater Bombay. Since it was constituted on special lines and was required to be employed during emergencies such as riots and other serious disorders, it was essential that a very high standard of discipline should be maintained among the Force by prescribing penalties higher than those prescribed for the members of the ordinary Police Force. With this object in view the Bombay State Reserve Police Force Bill, 1951, has been drafted.

Dated the 24th August 1951. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 27th August 1951.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLIV OF 1951.

A Bill to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay; It is hereby enacted as follows:—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

MO-V Bk Hb 230—1

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951. Bom. XXII of 1951.

(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of Adjutant or Battalion Commander;

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951; V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act;

(*i*) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments. XLV of 1860. V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force; Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(*4*) The State Government or any officer empowered by it in this behalf may,—

(*a*) divide the State Reserve Police Force in groups ;

(*b*) sub-divide each group into battalions, and each battalion into companies, and each company into platoons ;

(*c*) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government ; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant and Assistant Commandants.

5. (*1*) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant who shall be a person eligible to hold the post of an Assistant or a Deputy Superintendent.

(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant.

(*3*) The Commandant, the Assistant Commandant and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Enrolment.

6. (*1*) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(*2*) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (*1*).

(*3*) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Transfer.

Bom. XXII of 1951.

7. (*1*) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of the armed section of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa* :

Bom. XXII of 1951.

Provided that the State Government may delegate its power under sub-section (*1*) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders. Bom. XXII of 1951.

Certificate of appointment to certain Reserve police officers, when it is to be returned back.

8. (1) An Adjutant, a Battalion Commander or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(2) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

(3) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (1) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(3) A reserve police officer employed on active duty under sub-section (1), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (1) When employed on active duty at any place under sub-section (1) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898. V of 1898.

Circumstances under which reserve police officer entitled to use force.

(2) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, XLV of 1860.

use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant.

Offence in respect of resignation contrary to provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in respect of refusal to deliver certificate of appointment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (*3*) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More heinous offence

14. Every reserve police officer who,—

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place ; or

(*b*) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty ; or

(*c*) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend ; or

(*d*) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(*e*) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(*f*) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(*g*) while on active duty,—

(*i*) disobeys the lawful command of his superior officer ; or

(*ii*) deserts his force or his post ; or

(*iii*) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(*iv*) without authority, leaves his Commanding Officer for any purpose whatsoever ; or

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Reserve police officer in command to give information of commission of offence under Act by reserve police officer under his charge.

16. A reserve police officer who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 14 or 15 of this Act, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Place of imprisonment and liability to dismissal on imprisonment.

17. (*1*) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force. and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture.

(*2*) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarter-guard or such other place as the Court may consider suitable.

Minor punishments.

18. (*1*) A Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the same control, an officer not below the rank of Jamadar in independent command of a detachment or an outpost or in temporary command of a Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which, in the opinion of the Commandant, Assistant Commandant or Officer, as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say—

(*a*) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fourteen days, and, when the order is passed by any other officer, to seven days;

(*b*) forfeiture of pay and allowances or such proportion of pay and allowances as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month and, when the order is passed by any other officer, to ten days;

(*c*) fine to an amount not exceeding one month's pay:

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised; and

(ii) when more than one officer are competent under proviso (*i*) to exercise the power, the most senior of such officers shall exercise the power.

(*2*) Any of the punishments specified in sub-section (*1*) may be awarded separately or with any one or more of the others:

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(*3*) No appeal shall lie from any order of punishment passed under this section except from an order of punishment of fine as provided in sub-section (*4*).

(*4*) An appeal against any order awarding punishment of fine shall lie to the State Government or to such officer as the State Government may by general or special order specify in this behalf.

(*5*) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (*1*), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

Every reserve Police officer to be police officer as defined in Bom. XXII of 1951.

19. Except as specifically provided in the foregoing sections of this Act, every reserve police officer shall for all purposes be deemed to be a police officer as defined in the Bombay Police Act, 1951, and the provisions of that Act shall, except in so far as they are inconsistent with the provisions of this Act, apply to every such reserve police officer.

Bom. XXII of 1951.

Protection for acts of members of Force.

20. (*1*) In any suit or proceeding against any member of the State Police Reserve Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(*2*) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(*3*) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the State Police Reserve Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the Rules thereunder, shall be commenced within six months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding :

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

Power to make rules.

21. (*1*) The State Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

(*a*) regulating the number, classes and grades of the State Reserve Police Force ;

(*b*) administration of the State Reserve Police Force ;

(*c*) recruitment, organization, classification and discipline of the members of the subordinate ranks ;

(*d*) inspection of the Force ;

(*e*) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Force,

SCHEDULE A.

(*See* section 6)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. — Commandant or Assistant Commandant or Police Officer.

Date .....

Place .....

SCHEDULE A.

(*See* section 6)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. — Commandant or Assistant Commandant or Police Officer.

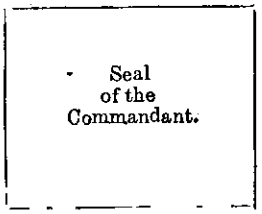
Date .....

Place .....

SCHEDULE B.

(*See* section 8.)

Form of Certificate for a State Reserve Police Officer below the rank of a Company Commander.



A. B. has been appointed to the State Reserve Police Force in the State of Bombay and is vested with the powers, functions and privileges of a Reserve Police Officer under the Bombay State Reserve Police Force Act, 1951 (Bom. of 1951)

(Signature) .....

Commandant,
State Reserve Police Force,
Group.....

.....

STATEMENT OF OBJECTS AND REASONS.

With a view to strengthening the Armed Branch of the Police Force of the State, Government constituted in the year 1948 a special armed Police Force known as the State Reserve Police Force. The Force has been equipped with some of the modern equipment and weapons and trained to be useful in emergencies. The Force was constituted under the Bombay District Police Act, 1890, so far as the Battalions stationed in districts were concerned, and under the City of Bombay Police Act, 1902, to govern the Battalion in Greater Bombay. Since it was constituted on special lines and was required to be employed during emergencies such as riots and other serious disorders, it was essential that a very high standard of discipline should be maintained among the Force by prescribing penalties higher than those prescribed for the members of the ordinary Police Force. With this object in view the Bombay State Reserve Police Force Bill, 1951, has been drafted.

Dated the 24th August 1951.

MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIV OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

A Bill to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

[Shri MORARJI DESAI, M.L.A.]

MO-V Bk Hb 230—3

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLIV OF 1951.

A Bill to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

(As read for the third time and passed by the Legislative Council on the 26th September 1951.)

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951. Short title, extent, commencement and application.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

MO-V Ek Hb 245—1

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951. Bom. XXII of 1951.

(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of Adjutant or Battalion Commander;

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951; V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act;

(*i*) 'superior officer.' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments. XLV of 1860. V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force; Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(*4*) The State Government or any officer empowered by it in this behalf may,—

(*a*) divide the State Reserve Police Force in groups ;

(*b*) sub-divide each group into battalions, and each battalion into companies, and each company into platoons ;

(*c*) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant and Assistant Commandants.

5. (*1*) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant who shall be a person eligible to hold the post of an Assistant or a Deputy Superintendent.

(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant.

(*3*) The Commandant, the Assistant Commandant and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Enrolment.

6. (*1*) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(*2*) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (*1*).

(*3*) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Transfer.

Bom. XXII of 1951.

7. (*1*) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of the armed section of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa :*

Bom. XXII of 1951.

Provided that the State Government may delegate its power under sub-section (*1*) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

(2) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders. Bom. XXII of 1951.

Certificate of appointment to certain reserve police officers, when it is to be returned back.

8. (1) An Adjutant, a Battalion Commander or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(2) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

(3) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (1) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(3) A reserve police officer employed on active duty under sub-section (1), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (1) When employed on active duty at any place under sub-section (1) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898. V of 1898.

Circumstances under which reserve police officer entitled to use force.

(2) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, XLV of 1860.

use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant.

Offence in respect of resignation contrary to provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in respect of refusal to deliver certificate of appointment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (*3*) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More heinous offences.

14. Every reserve police officer who,—

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place ; or

(*b*) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty ; or

(*c*) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend ; or

(*d*) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(*e*) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(*f*) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(*g*) while on active duty,—

(*i*) disobeys the lawful command of his superior officer ; or

(*ii*) deserts his force or his post ; or

(*iii*) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(*iv*) without authority, leaves his Commanding Officer for any purpose whatsoever ; or

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

16. A reserve police officer who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 14 or 15 of this Act, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both. Reserve police officer in command to give information of commission of offence under Act by reserve police officer under his charge.

17. (*1*) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force, and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture. Place of imprisonment and liability to dismissal on imprisonment.

(*2*) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarter-guard or such other place as the Court may consider suitable.

18. (*1*) A Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the same control, an officer not below the rank of Jamadar in independent command of a detachment or an outpost or in temporary command of a Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which, in the opinion of the Commandant, Assistant Commandant or Officer, as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say— Minor punishments.

(*a*) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fourteen days, and, when the order is passed by any other officer, to seven days;

(*b*) forfeiture of pay and allowances or such proportion of pay and allowances as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month and, when the order is passed by any other officer, to ten days;

(*c*) fine to an amount not exceeding one month's pay:

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised; and

(ii) when more than one officer are competent under proviso (i) to exercise the power, the most senior of such officers shall exercise the power.

(*2*) Any of the punishments specified in sub-section (*1*) may be awarded separately or with any one or more of the others:

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(*3*) No appeal shall lie from any order of punishment passed under this section except from an order of punishment of fine as provided in sub-section (*4*).

(*4*) An appeal against any order awarding punishment of fine shall lie to the State Government or to such officer as the State Government may by general or special order specify in this behalf.

(*5*) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (*1*), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

Every reserve police officer to be police officer as defined in Bom. XXII of 1951.

19. Except as specifically provided in the foregoing sections of this Act, every reserve police officer shall for all purposes be deemed to be a police officer as defined in the Bombay Police Act, 1951, and the provisions of that Act shall, except in so far as they are inconsistent with the provisions of this Act, apply to every such reserve police officer.

Bom. XXII of 1951.

Protection for acts of members of Force.

20. (*1*) In any suit or proceeding against any member of the State Police Reserve Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(*2*) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(*3*) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the State Police Reserve Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the Rules thereunder, shall be commenced within six months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding:

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

Power to make rules.

21. (*1*) The State Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:—

(*a*) regulating the number, classes and grades of the State Reserve Police Force;

(*b*) administration of the State Reserve Police Force;

(*c*) recruitment, organization, classification and discipline of the members of the subordinate ranks;

(*d*) inspection of the Force;

(*e*) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Force.

SCHEDULE A.

(*See* section 6.)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. — Commandant or Assistant Commandant or Police Officer.

Date .....

Place .....

SCHEDULE B.

(*See* section 8.)

Form of Certificate for a State Reserve Police Officer below the rank of a Company Commander.

A. B. has been appointed to the State Reserve Police Force in the State of Bombay and is vested with the powers, functions and privileges of a Reserve Police Officer under the Bombay State Reserve Police Force Act, 1951 (Bom. of 1951)

(Signature) .....

Commandant,
State Reserve Police Force,
Group.....

.....

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIV OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

(As read for the third time and passed by the Legislative Council on the 26th September 1951.)

A Bill to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

[Shri MORARJI DESAI, M.L.A.]

MG-V Bk Hb 245—3

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Bombay Legislature having been assented to by the Governor on the 18th October 1951 is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXVIII OF 1951.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 23rd October 1951.)

An Act to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951. Short title, extent, commencement and application.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community ;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions ;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951. Bom. XXII of 1951.

(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force ;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of Adjutant or Battalion Commander ;

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951 ; V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act ;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act ;

(*i*) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments. XLV of 1860. V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force ; Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government :

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(4) The State Government or any officer empowered by it in this behalf may,—

(a) divide the State Reserve Police Force in groups ;

(b) sub-divide each group into battalions, and each battalion into companies, and each company into platoons ;

(c) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant and Assistant Commandants.

5. (1) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant who shall be a person eligible to hold the post of an Assistant or a Deputy Superintendent.

(2) Notwithstanding anything contained in sub-section (1), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant.

(3) The Commandant, the Assistant Commandant and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Enrolment.

6. (1) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(2) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

(3) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Bom. XXII of 1951.

Transfer.

7. (1) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of the armed section of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versâ* :

Bom. XXII of 1951

Provided that the State Government may delegate its power under sub-section (1) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

(2) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders. Bom. XXII of 1951.

Certificate of appointment to certain reserve police officers, when it is to be returned back.

8. (1) An Adjutant, a Battalion Commander or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(2) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

(3) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (1) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(3) A reserve police officer employed on active duty under sub-section (1), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (1) When employed on active duty at any place under sub-section (1) of section 10, the senior reserve police officer of highest rank, not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898. V of 1898.

Circumstances under which reserve police officer entitled to use force.

(2) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, XLV of 1860.

use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant.

Offence in respect of resignation contrary to provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in respect of refusal to deliver certificate of appointment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (3) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More heinous offences.

14. Every reserve police officer who,—

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State, does not, without delay, give information thereof to his superior officer present at or near the place ; or

(*b*) uses, or attempts to use criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty ; or

(*c*) shamefully abandons or delivers up any post, guard, building, fortification, or property which is committed to his charge, or which it is his duty to defend ; or

(*d*) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any reserve police officer or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms ; or

(*e*) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State, or any person conspiring against Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge ; or

(*f*) directly or indirectly sells, gives away, or otherwise disposes, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person ; or

(*g*) while on active duty,—

(*i*) disobeys the lawful command of his superior officer ; or

(*ii*) deserts his force or his post ; or

(*iii*) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave ; or

(*iv*) without authority, leaves his Commanding Officer for any purpose whatsoever ; or

(*v*) uses criminal force to, or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind ; or

(*vi*) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Explanation.—A reserve police officer shall be deemed to desert the force if he leaves his place of duty or posting without the permission of his superior officer and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

Less heinous offences.

15. Every reserve police officer, who—

(*a*) assaults or uses or attempts to use criminal force to any sentry ; or

(*b*) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape ; or

(*c*) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline ; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority ; or

(*e*) is grossly insubordinate to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field ; or

(*g*) assaults or otherwise ill-uses any reserve police officer with reference to whom he is a superior officer ; or

(*h*) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such articles entrusted to him or to any other person ; or

(*i*) malingers, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity ; or

(*j*) with intent to render himself or any other person unfit for duty, voluntarily causes hurt to himself or any other person ; or

(*k*) commits extortion or without lawful authority extorts from any person carriage, porterage or provisions ; or

(*l*) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or makes away with any animal or vehicle used in the public service ;

shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

16. A reserve police officer who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 14 or 15 of this Act, by or on the part of any reserve police officer under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer shall, on conviction, be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both. Reserve police officer in command to give information of commission of offence under Act by reserve police officer under his charge.

17. (*1*) Every person sentenced under this Act to imprisonment may be dismissed from the State Reserve Police Force, and his pay, allowance and any other moneys due to him, as well as any medals and decorations received by him shall further be liable to forfeiture. Place of imprisonment and liability to dismissal on imprisonment.

(*2*) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the State Reserve Police Force, he may, if the Court so directs, be confined in the quarter-guard or such other place as the Court may consider suitable.

18. (*1*) A Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the same control, an officer not below the rank of Jamadar in independent command of a detachment or an outpost or in temporary command of a Group Headquarters during the absence of the Commandant or Assistant Commandant may award to any reserve police officer not higher in rank than a Battalion Havildar Major or to any follower subject to his authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act, or which, in the opinion of the Commandant, Assistant Commandant or Officer, as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say— Minor punishments.

(*a*) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fourteen days, and, when the order is passed by any other officer, to seven days;

(*b*) forfeiture of pay and allowances or such proportion of pay and allowances as he considers necessary for a period which may extend, when the order is passed by the Commandant, to one month and, when the order is passed by any other officer, to ten days;

(*c*) fine to an amount not exceeding one month's pay:

Provided that—

(i) no power under this sub-section shall be exercised by a Commandant or Assistant Commandant or other officer not below the rank of Jamadar unless the person to be awarded any of these punishments is under the command of such officer at the time when the breach of discipline or misconduct occurred and also when the power is exercised; and

(ii) when more than one officer are competent under proviso (*i*) to exercise the power, the most senior of such officers shall exercise the power.

(*2*) Any of the punishments specified in sub-section (*1*) may be awarded separately or with any one or more of the others:

Provided that fine shall not be awarded in combination with forfeiture of pay or allowances.

(*3*) No appeal shall lie from any order of punishment passed under this section except from an order of punishment of fine as provided in sub-section (*4*).

(4) An appeal against any order awarding punishment of fine shall lie to the State Government or to such officer as the State Government may by general or special order specify in this behalf.

(5) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (1), he shall enter in a book to be kept for the purpose a brief description of the default, together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

Every reserve police officer to be police officer as defined in Bom. XXII of 1951.

19. Except as specifically provided in the foregoing sections of this Act, every reserve police officer shall for all purposes be deemed to be a police officer as defined in the Bombay Police Act, 1951, and the provisions of that Act shall, except in so far as they are inconsistent with the provisions of this Act, apply to every such reserve police officer. Bom. XXII of 1951.

Protection for acts of members of Force.

20. (1) In any suit or proceeding against any member of the State Police Reserve Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the State Police Reserve Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the Rules thereunder, shall be commenced within six months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding :

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

Power to make rules.

21. (1) The State Government may make rules not inconsistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely :—

(a) regulating the number, classes and grades of the State Reserve Police Force ;

(b) administration of the State Reserve Police Force ;

(c) recruitment, organization, classification and discipline of the members of the subordinate ranks ;

(d) inspection of the Force ;

(e) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the members of the Force.

SCHEDULE A.

(*See* section 6,)

Form of declaration to be signed before joining appointment in the State Reserve Police Force.

I, (Name in full) .....

.....

(designation in the case of a member of a Police force/address in the case of a direct recruit).....

declare that—

(1) I am willing to serve, wherever posted, in the State Reserve Police Force,

(2) I shall not be entitled to resign my appointment in the State Reserve Police Force, or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the State Reserve Police Force, and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

Signature in token of the above declaration having been read out and explained to the declarant and of his having understood and accepted it. .....

.....

Date .....

Place .....

Signed in my presence after I had satisfied myself that (Name in full).....

.....

(designation in the case of a member of a Police force/full address in the case of a direct recruit).....

.....

has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom the declaration is signed. Commandant or Assistant Commandant or Police Officer.

Date .....

Place .....

SCHEDULE B.

(*See* section 8.)

Form of Certificate for a State Reserve Police Officer below the rank of a Company Commander.

A. B. has been appointed to the State Reserve Police Force in the State of Bombay and is vested with the powers, functions and privileges of a Reserve Police Officer under the Bombay State Reserve Police Force Act, 1951 (Bom. of 1951)

(Signature) .....

Commandant,
State Reserve Police Force,
Group.....

.....